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December 10, 2018

The Honorable Ajit Pai, Chairman
The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner

Chairman
Federal Communications Commission
455 12th Street, Southwest
Washington, DC, 20544

Dear Chairman Pai,

I am writing to support the Comments of the Cable Act Preservation Alliance ("CAPA") and to oppose the proposals and tentative conclusions set forth in the FCC's September 25 Further Notice of Proposed Rule Making in *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket 05- 311.

I am currently serving my third term as elected Kenton County Commissioner and have spent the last 8 years serving on the Telecommunications Board of Northern Kentucky. As an elected official, I have benefited directly by the work of this group as they are the ONLY form of unbiased media serving our county. Government meetings are taped and broadcasted without editing and continuously are made available for viewing on the PEG channels provided through our cable franchises. These, along with other important community programs, are in high demand as Cincinnati offers very little coverage of Kenton County in any of its media and is not always fair or accurate. TBNK has been a trusted source of media for many decades and the team who administers the studio produces the finest programming in our region. Forcing this organization to incur additional charges to provide services, on an already very lean budget, would only weaken their ability to protect our First Amendment, and send a message to our municipalities that their right-of-ways are to be given over with nothing expected in return.

More specifically, the Telecommunications Board of Northern Kentucky (TBNK) provides a professional TV studio for use of residents, non-profits and community organizations in our communities, as well as video production training and assistance for our local PEG Access producers.

The TBNK's local community based (PEG Access) cable channels allow viewers in Northern Kentucky to watch local programming about their community that the Cincinnati, Ohio based broadcasters (located just across the river) do not provide. This includes coverage of about 20 local government meetings per month, and local election forums and speakers and an all Northern Kentucky focused election night results program every election cycle, as well as coverage of local high school and college sports and community events, and issues of interest to Northern Kentucky (as opposed to the Cincinnati, Ohio focused programming we get from the local broadcasters, who seldom cover anything in Northern Kentucky.) The channels also broadcast local history documentaries about our unique, small communities in Northern Kentucky, creating a better sense of place, exposing viewers to local landmarks and interesting stories of our past; helping viewers better understand their own community. Our PEG channels also air programming from the local Chamber of Commerce and the Covington Business Council, as well as talk shows with local elected leaders, promoting economic development in our community and letting business and community leaders better inform the public.

Promoting a diversity of views and information through local programs like these was clearly the intent of the PEG provisions of the 1984 Cable Act, in order to serve local community needs and interests, and strengthen our local democratic process. The FCC's proposals frustrate and contradict the clear intent of the cable law, as written by our elected legislators (from the 1984 Cable Act to the Telecommunications Act of 1996) and decades of application of that law in franchise agreements.

By defining "franchise fee" in an overly broad fashion to include what the FCC calls "in-kind" support, and then further erroneously stretching this to include cable related "in-kind" support, the FNPRM would shift the fair balance between cable franchising authorities and cable operators, circumventing the franchise negotiation process set forth by congress in the Cable Act, and force communities to choose between franchise fees and PEG channels. Furthermore, the FCC provides no formula or limits for what the cable providers could charge for the PEG channels and other cable related franchise obligations. This would allow cable operators to make up any kind of extreme costs for the "value" of these obligations. Under this FNPRM the FCC would be saying that Local Franchise Authorities can require PEG channels and fees to support PEG capital needs, but cannot have operational revenue for the PEG channels, which comes primarily from franchise fees in most communities – or that LFA's could have the franchise fees to operate the channels but not the actual PEG channels. This would render the PEG provisions of the Cable Act nonsensical. This was never the intent of the Act.

We appreciate your consideration and urge the FCC to protect PEG channels and reject the FNPRM.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Sewell". The signature is fluid and cursive, with the first name "Beth" being more prominent.

Beth A. Sewell
Kenton County Commissioner, District 1
Kenton County Fiscal Court